

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEAN R. LOPPNOW,

8:08CV510

Plaintiff,

V.

# MEMORANDUM AND ORDER

UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE,  
and JEFF STOTKO, Special Agent,  
IRS,

Defendants.

This matter is before the court on its own motion. On November 25, 2008, the court entered a Memorandum and Order requiring Plaintiff “to pay the balance of the filing fee, or alternatively, to submit a motion for leave to proceed in forma pauperis and an affidavit in support” no later than December 29, 2008. (Filing No. 4) Plaintiff was warned that failure to “either pay the remainder of the filing fee or to submit a motion to proceed in forma pauperis” would result in dismissal “without further notice and without prejudice.” (*Id.*) Plaintiff has not paid the filing fee, has not filed a motion for leave to proceed in forma pauperis, and has not filed any other response to the court’s Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

January 13, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge